

United States
Circuit Court of Appeals

For the Ninth Circuit.

ONG CHEW HUNG, Also Known as ONG GIN
LUNG,

Appellant,

vs.

ALFRED E. BURNETT, Inspector in Charge,
United States Immigration Office at Tucson,
Arizona,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for the
District of Arizona.

Filed

JAN 26 1916

F. D. Monckton,
Clerk.

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Circuit Court of Appeals
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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[Names and Addresses of Counsel.]

Counsel for Appellant:

STRUCKMEYER & JENCKES, Phoenix, Arizona.

Counsel for Appellee:

THOMAS A. FLYNN, United States Attorney,
Phoenix, Arizona.

SAMUEL L. PATTEE, Assistant United
States Attorney, Tucson, Arizona.

*In the United States District Court in and for the
District of Arizona.*

ONG CHEW HUNG, also Known as ONG GIN
LUNG,

Complainant,

vs.

ALFRED E. BURNETT, Inspector in Charge
United States Immigration Office at Tucson,
Arizona.

Petition for Writ of Habeas Corpus.

To the Honorable WILLIAM H. SAWTELLE,
Judge of the United States District Court in
and for the District of Arizona:

The complainant, Ong Chew Hung, also known as
Ong Gin Lung, respectfully shows unto your Honor
that he is now imprisoned, confined and restrained of
his liberty by Alfred E. Burnett, Inspector in charge
United States Immigration office at Tucson, Arizona,
and that such imprisonment, restraint and confine-
ment is illegal and in violation of the Constitution of
the United States and in violation of the Laws and

Treaties of the United States, and is deprived of his liberty without due process of law, and more particularly the complainant alleges:

That he is a person of Chinese descent born in the Empire, now Republic, of China, and that theretofore on, to wit, the 7th day of August, 1903, the complainant came to the United States and was permitted by the proper authorities of the United States to enter the United States at the port of entry of San Francisco, State of California, as the minor son of a merchant lawfully domiciled in the United States, and that from said time to the present time the complainant has continuously resided in the United States except only that about the 27th day of January, 1910, the complainant with the intention of returning to the United States went on a temporary visit to the Republic of China and thereafter on the 27th day of July, 1911, returned to the United States and was by the proper authorities of the United States permitted to re-enter the United States as a person having the right to enter and remain in the United States, and from said time has continuously resided in the United States.

That heretofore on to wit, the 16th day of April, 1914, the Secretary of Labor of the United States issued a departmental warrant for the arrest of the complainant as a person illegally in the United States, and thereafter entered an order for the deportation of the complainant to the Republic of China, and that the complainant is now about to be deported by the United States to the Republic of China from the United States and by virtue of said

order of arrest and deportation is now confined and restrained of his liberty by said defendant Alfred E. Burnett.

That after the order for the arrest above mentioned was issued by said Secretary of Labor of the United States, there was evidence submitted to him, which evidence showed that the complainant has ever since October, 1907, been a merchant within the sense and meaning of the laws of the United States relating to the admission and exclusion of Chinese aliens and that he is now a merchant lawfully domiciled in the United States, having ever since said date October, 1907, been a *bona fide* member of the Kim Lung Chong store in San Francisco, California, which said store was a *bona fide* merchantile establishment and interest of the complainant a *bona fide* interest within the sense and meaning of the laws of the United States relating to the admission and exclusion of aliens. That said evidence so submitted to the Secretary of Labor and upon which his order for deportation of your petitioner is based, was uncontradicted and uncontroverted and therein it clearly appeared that the complainant was a merchant lawfully domiciled in the United States, but that the said Secretary of Labor erroneously and without authority of law from such evidence held that the complainant was illegally in the United States and thereupon ordered the deportation of the complainant.

That the arrest of the complainant under the order of the Secretary of Labor heretofore referred to and his confinement and imprisonment is further

illegal and without authority of law in that the complainant having lawfully entered the United States, the said Secretary of Labor was without jurisdiction and authority to order his arrest and deportation.

The complainant further alleges that he is unable to attach to this petition a complete record of the evidence submitted to said Secretary of Labor, for the reason that a complete record is not in his possession but in the possession of the said defendant.

WHEREFORE the complainant prays that a writ of habeas corpus may be granted to him directed to the said Alfred E. Burnett, Inspector in Charge United States Immigration office at Tucson, Arizona, requiring the said defendant to certify to your Honor the true cause of detention of the complainant and to bring the body of the complainant before your Honor, and to then and there abide by and to do and perform the order and judgment of this Court.

ONG CHEW HUNG.

STRUCKMEYER & JENCKES,

Attorneys for Complainant.

State of Arizona,
County of Pima,—ss.

Ong Chew Hung, also known as Ong Gin Lung, being first duly sworn, upon oath, deposes and says that he is the complainant in the foregoing complaint by him subscribed; that he has read the same and knows the contents thereof and that the same is true in substance and in fact.

ONG CHEW HUNG.

Subscribed and sworn to before me this 22d day of June, 1914.

[Seal]

EDWIN F. JONES,
U. S. Commissioner.

[Endorsement]: No. C-69—Tucson. In the United States District in and for the District of Arizona. Ong Chew Hung, also known as Ong Gin Lung, Complainant, vs. Alfred E. Burnett, Inspector in Charge United States Immigration Office at Tucson, Arizona. Petition for Writ of Habeas Corpus. Filed June 22d, 1914. George W. Lewis, Clerk. By Effie D. Botts, Deputy. Struckmeyer & Jenckes, Attorneys for Complainant.

*In the United States District Court in and for the
District of Arizona.*

In the Matter of the Application of ONG CHEW HUNG, also Known as ONG GIN LUNG, for a Writ of Habeas Corpus.

Order for Writ of Habeas Corpus.

Upon reading the complaint and petition for a writ of habeas corpus filed herein, from which it appears to me that a writ of habeas corpus ought to issue as prayed for, it is ordered that a writ of habeas corpus issue out of and under the seal of this court directed to Alfred E. Burnett, Inspector in Charge of the United States Immigration office at Tucson, Arizona, commanding him to have the body of the petitioner before me in the courtroom of the said court on the 25th day of June, 1914, at ten o'clock A. M., on that day, and then and there to cer-

tify to this court the true cause of the detention of petitioner, and then and there abide by and do and perform the order and judgment of this court.

IT IS THEREFORE ORDERED that the petitioner, pending the hearing of this case, be admitted to bail in the sum of one thousand dollars, to be approved by the clerk.

Dated June 22d, 1914.

WM. H. SAWTELLE,
Judge of the United States District Court in and
for the District of Arizona.

[Endorsement]: No. C-69—Tucson. In the United States District Court. In the Matter of the Application of Ong Chew Hung, also Known as Ong Gin Lung, for a Writ of Habeas Corpus. Order for Writ of Habeas Corpus. Filed June 22, A. D. 1914. George W. Lewis, Clerk. By Effie D. Botts, Deputy.

[Writ of Habeas Corpus.]

*In the United States District Court, in and for the
District of Arizona.*

In the Matter of the Application of ONG CHEW
HUNG, also Known as ONG GIN LUNG, for
a Writ of Habeas Corpus.

The President of the United States to Alfred E.
Burnett, Inspector in Charge of the United
States Immigration Office at Tucson, Arizona,
Greeting:

We command you that you have the body of Ong
Chew Hung, also known as Ong Gin Lung, by you
imprisoned and detained, as it is said, together with

the time of imprisonment and cause of said imprisonment and detention by whatsoever name he shall be called or charged, before the Honorable William H. Sawtelle, Judge of said court, at the courtroom of said courthouse in the city of Tucson within the District of Arizona, on the 25th day of June, A. D. 1914, at the hour of ten o'clock A. M., and that he do and receive what shall then and there be construed concerning the said Ong Chew Hung, also known as Ong Gin Lung, and to then and there abide by and to do and perform the order and judgment of said court and to have you then and there this writ.

WITNESS the Honorable WILLIAM H. SAWTELLE, Judge of the District Court of the United States in the District of Arizona, this 22d day of June, 1914.

Attest my hand and the seal of said court the day and year last above written.

[Seal]

GEORGE W. LEWIS,

Clerk of said Court.

By Effie D. Botts,

Deputy Clerk.

[Endorsement]: No. C-69—Tucson. In the United States District Court. In the Matter of the Application of Ong Chew Hung, also Known as Ong Gin Lung, for a Writ of Habeas. Marshal's Docket No. 409. Received this writ June 23d, at 2 P. M., served same by leaving with Alfred E. Burnett at 4 P. M. J. P. Dillon, U. S. Marshal. By A. W. Forbes, Deputy. Filed June 25, A. D. 1914. By George W. Lewis, Clerk. By Effie D. Botts, Deputy Clerk.

*In the United States District Court, in and for the
District of Arizona.*

ONG CHEW HUNG, *alias* ONG GIN LUNG,
Complainant,

vs.

ALFRED E. BURNETT, Inspector in Charge
United States Immigration Office at Tucson,
Arizona,

Demurrer.

And now comes the petitioner by Struckmeyer and Jenckes, his attorneys, and demurs to the return of the respondent Alfred E. Burnett, Inspector in Charge United States Immigration office at Tucson, Arizona, made herein and for ground of demurrer shows:

I.

That the facts stated in said return do not justify the detention of the petitioner by the said respondent and do not justify the deportation by the respondent and by the Secretary of Commerce and Labor of the petitioner to the Republic of China.

II.

That the facts stated in said return are not sufficient to constitute a defense to the petition for a writ of habeas corpus filed herein, and are not sufficient to show cause why the petitioner should not be discharged from the detention by the respondent.

III

That the return shows that the respondent and the Secretary of Commerce and Labor did not accord

to the petitioner a fair hearing, in that they arbitrarily found the petitioner to be unlawfully in this country in violation of the law without any evidence whatsoever having been introduced justifying such finding.

IV.

That the return shows that the detention by the respondent of the petitioner and the order of the Secretary of Commerce and Labor in ordering the petitioner deported is and was without jurisdiction.

WHEREFORE, the petitioner demurs to the sufficiency of said return, and prays that he may be discharged from further detention as he has already prayed.

STRUCKMEYER & JENCKES,

Attorneys for Petitioner.

I, F. C. Struckmeyer, one of the attorneys for the petitioner herein, do hereby certify that in my opinion the foregoing demurrer is well taken in point of law, and I do further certify that the same is not interposed for the purpose of delay.

F. C. STRUCKMEYER.

[Endorsement]: No. C-69—Tucson. In the United States District Court, in and for the District of Arizona. Ong Chew Hung, *alias* Ong Gin Lung, Complainant, vs. Alfred E. Burnett, Inspector in Charge United States Immigration Office at Tucson, Arizona. Demurrer. Filed Aug. 26, 1915. George W. Lewis, Clerk. By Effie D. Botts, Deputy. Struckmeyer & Jenckes, Attorneys for Complainant.

[**Order or Decree Denying Petition for a Writ of Habeas Corpus and Remanding Applicant to Custody.**]

In the United States District Court for the District of Arizona.

C-69—TUCSON.

In the Matter of the Application of ONG CHEW HUNG, *alias* ONG GIN LUNG, for Writ of Habeas Corpus.

The above-entitled matter coming on regularly for decision this 27th day of September, 1915, at the United States District courtroom at Tucson, Arizona, at ten o'clock in the forenoon of that day; the applicant appearing in person and by Struckmeyer & Jenckes, his counsel, and Samuel L. Pattee, Esq., Assistant United States Attorney for the District of Arizona, appearing on behalf of the United States of America, and it appearing to the Court that the applicant filed his petition for a writ of habeas corpus claiming that he is illegally confined and restrain of his liberty by Alfred E. Burnett, Inspector in Charge of the Department of Immigration and Labor at Tucson, Arizona, and asking that a writ of habeas corpus be issued requiring that he be brought before this Court and that he be discharged; and thereafter a writ of habeas corpus was issued in accordance with the prayer of said petition and return was thereafter duly made to said writ and demurrer to said return filed with said Court, and documentary evidence was produced before the

Court, and same was heretofore argued and submitted to the Court for its decision, and the Court finds, after due deliberation, that the applicant is not entitled to the relief prayed for in his petition, and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the petition of the applicant, Ong Chew Hung, *alias* Ong Gin Lung, for a writ of habeas corpus, be and the same is hereby denied, and that he be and hereby is remanded to the custody of the Inspector in Charge of the Department of Immigration and Labor at Tucson, Arizona, to abide by the rules and regulations of that department.

[Endorsements]: C-69 Tucson. In the United States District Court for the District of Arizona. In the Matter of the Application of Ong Chew Hung, *alias* Ong Gin Lung, for a Writ of Habeas Corpus. Order Overruling Demurrer. Filed September 27th, 1915. George W. Lewis, Clerk. By Effie D. Botts, Deputy.

In the District Court of the United States, in and for the District of Arizona.

ONG CHEW HUNG, also Known as ONG GIN LUNG,

Complainant,

vs.

ALFRED E. BURNETT, Inspector in Charge
United States Immigration Office, at Tucson,
Arizona,

Respondent.

Petition for Leave to Appeal.

Comes now the complainant, Ong Chew Hung, also known as Ong Gin Lung, and respectfully petitions the Court for an order to be entered herein, allowing his appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit from the order and judgment of this Court, overruling his demurrer to the return of respondent to the writ of habeas corpus heretofore issued herein, and discharging the said writ of habeas corpus, and remanding the complainant to the custody of respondent.

Complainant further petitions this Court for an order to be entered herein admitting petitioner to bail pending his appeal to the Circuit Court of the United States for the Ninth Circuit.

STRUCKMEYER & JENCKES,
Attorneys for Complainant.

*In the District Court of the United States, in and
for the District of Arizona.*

ONG CHEW HUNG, also Known as **ONG GIN
LUNG,**

Complainant,

vs.

ALFRED E. BURNETT, Inspector in Charge
United States Immigration Office, at Tucson,
Arizona,

Respondent.

Assignment of Errors.

Complainant, Ong Chew Hung, also known as Ong

Gin Lung, for his assignment of errors herein, alleges as follows:

I.

That the Court erred in overruling complainant's demurrer to the return filed herein by respondent to the writ of habeas corpus, based on the ground that the facts stated in said return do not justify the detention of complainant by respondent and do not justify the deportation of complainant to the Republic of China by respondent and by the Secretary of Labor.

II.

That the Court erred in overruling complainant's demurrer to said return based on the ground that the facts stated in said return are not sufficient to constitute a defense to the petition for a writ of habeas corpus filed herein, and are not sufficient to show cause why complainant should not be discharged from the detention by the respondent.

III.

That the Court erred in overruling complainant's demurrer to said return based on the ground that the return shows that the respondent and the Secretary of Labor did not accord to complainant a fair hearing in that they arbitrarily found complainant to be unlawfully in this country in violation of law without any evidence whatsoever having been introduced justifying such finding.

IV.

That the Court erred in overruling complainant's demurrer to said return based on the ground that the return shows that the detention by the respond-

ent of the petitioner and the order of the Secretary of Labor in ordering the petitioner deported is and was without jurisdiction.

V.

That the Court erred in denying the application of complainant for his discharge under the writ of habeas corpus, in discharging said writ, and in remanding complainant to the custody of respondent.

STRUCKMEYER & JENCKES,

Attorneys for Complainant.

[Endorsements]: C-69—Tucson. In the District Court of the United States, in and for the District of Arizona. Ong Chew Hung, also known as Ong Gin Lung, Complainant, vs. Alfred E. Burnett, Inspector in Charge United States Immigration Office, at Tucson, Arizona, Respondent. Petition for Leave to Appeal. Filed September 28, 1915. George W. Lewis, Clerk. By Effie D. Botts, Deputy. Struckmeyer & Jenckes, Attorneys for Complainant.

[Order Granting Appeal and Admitting Petitioner to Bail.]

In the United States District Court for the District of Arizona.

C-69—Tucson.

In the Matter of the Application of ONG CHEW HUNG, *alias* ONG GIN LUNG, for Writ of Habeas Corpus.

MINUTE ENTRY MADE ON SEPTEMBER
28th, 1915.

The petitioner having filed in this Court his peti-

tion for leave to appeal to the Circuit Court of Appeals for the Ninth Circuit from the order and judgment of this Court, overruling his demurrer to the return and reply to the writ of habeas corpus heretofore issued herein and denying the said writ of habeas corpus and remanding the petitioner to the custody of the marshal, and further praying for an order admitting the petitioner to bail pending his appeal to the Circuit Court of Appeals for the Ninth Circuit, it is ordered that the said appeal be and the same is hereby granted and that the petitioner may be admitted to bail pending his appeal to the said Circuit Court of Appeals for the Ninth Circuit, upon his executing bond with two or more good and sufficient sureties thereon, in penalty of three thousand dollars (\$3,000), to be approved by the clerk of this court, conditioned according to law and to be filed with the papers herein.

Bond on Appeal.

KNOW ALL MEN BY THESE PRESENTS: That Ong Chew Hung, as principal, and Selim Michelson and Clinton Lauver, as sureties, are held and firmly bound unto the United States of America in the sum of three thousand dollars lawful money of the United States, for which payment, well and truly to be made to the United States of America, we bind ourselves, our heirs, executors and administrators firmly by these presents:

The condition of the above obligation is such that whereas heretofore on, to wit, the 22d day of June, A. D. 1914, the United States District Court for the

District of Arizona, in an action then pending in said court wherein the above-bounden obligor, Ong Chew Hung, is petitioner and Alfred E. Burnett, Inspector in Charge United States Immigration office at Tucson, Arizona, is defendant, entered an order and judgment awarding to the said petitioner a writ of habeas corpus, and

Whereas, on the 27th day of September, 1915, after a hearing upon the return of said defendant Alfred E. Burnett to said writ of habeas corpus the said United States District Court for the District of Arizona entered its order and judgment discharging said writ of habeas corpus and remanding the said petitioner Ong Chew Hung to the custody of the said defendant, Alfred E. Burnett, for deportation to the Republic of China, and

Whereas, the said petitioner Ong Chew Hung has appealed from said order and judgment of the United States District Court for the District of Arizona to the United States Circuit Court of Appeals for the Ninth Circuit, which said appeal has been allowed by said United States District Court for the District of Arizona by an order entered in said proceeding, and

Whereas, the said United States District Court for the District of Arizona has by order entered in said proceeding admitted the petitioner Ong Chew Hung to bail pending his said appeal to the United States Circuit Court of Appeals for the Ninth Circuit in the sum of three thousand dollars.

Now, therefore, if the said above-bounden obligor Ong Chew Hung, shall be and appear before the

United States District Court for the District of Arizona, at such time as said Court may designate, to answer the judgment of said Circuit Court of Appeals, that may be rendered against him in said proceedings, and surrender himself in execution thereof, then this obligation to be void, otherwise to remain in full force and effect.

Witness our hands and seals this 29th day of September, A. D. 1915.

ONG CHEW HUNG. (Seal)

SELIM J. MICHELSON. (Seal)

CLINTON LAUVER. (Seal)

United States of America,
State of Arizona,
County of Maricopa,—ss.

Selim Michelson and Clinton Lauver, the sureties in the foregoing undertaking, being first duly sworn, upon oath, each for himself and not one for the other, says that he is worth the sum of three thousand (\$3,000) dollars over and above all his just debts and liabilities and over and above all property exempt by law from execution and forced sale, and that he is a resident and freeholder within the State of Arizona.

S. J. MICHELSON.

CLINTON LAUVER.

Subscribed and sworn to before me this 29th day of September, A. D. 1915.

(My commission expires Feby. 16, 1916.)

(Seal)

JOSEPH S. JENCKES,

Notary Public.

O.K. as to form.

S. L. PATTEE,

Asst. United States Attorney,

[Endorsements]: C-69—Tucson. In the United States District Court for the District of Arizona. In the Matter of the Application of Ong Chew Hung for Writ of Habeas Corpus. Bond on Appeal. Approved and Filed this 1st day of October, A. D. 1915. George W. Lewis, Clerk. By Effie D. Botts, Deputy.

In the United States District Court for the District of Arizona.

ONG CHEW HUNG, *alias* ONG GIN LUNG,
Petitioner,

vs.

ALFRED E. BURNETT,

Respondent.

**Order [Enlarging Time to November 24, 1915, to
File Record on Appeal, etc.]**

This matter being presented to me upon the motion of the petitioner by Struckmeyer & Jenckes, his attorneys, for an order enlarging the time within which the petitioner may file the record and docket the cause with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit, and it appearing to me that the time for filing said record and docketing said cause, to wit, thirty days from the 28th day of September, 1915, has not expired, and

good cause being shown to me therefor and no objection being made by the respondent,

IT IS ORDERED that the time within which the petitioner may file the record on appeal herein and docket the cause with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit, be and the same is hereby enlarged and extended to and including the 24th day of November, 1915.

Dated Phoenix, Arizona, October 27th, 1915.

WM. H. SAWTELLE,

Judge.

[Endorsements]: No. C-69—Tucson. In the United States District Court, in and for the District of Arizona. Ong Chew Hung, *alias* Ong Gin Lung, Petitioner, vs. Alfred E. Burnett, Respondent. Order. Filed Oct. 27, 1915. George W. Lewis, Clerk. Struckmeyer & Jenckes, Attorneys for Petitioner.

*In the United States District Court for the District
of Arizona.*

ONG CHEW HUNG, *alias* ONG GIN LUNG,
Petitioner,

vs.

ALFRED E. BURNETT,

Respondent.

**Stipulation [That Original Return to Writ of
Habeas Corpus etc. be Sent to U. S. Circuit
Court of Appeals].**

It is hereby stipulated by and between Struckmeyer and Jenckes, attorneys for the petitioner, and

Thomas A. Flynn, United States Attorney for the District of Arizona, representing the respondent herein, that the original of the return to the writ of habeas corpus, together with all exhibits attached thereto, may be sent up to the Circuit Court of Appeals upon the appeal herein in lieu of a copy thereof; this stipulation being made for the reason that such return contains certain exhibits of photographs and documents written in the Chinese language, of which it is impracticable to make copies.

STRUCKMEYER & JENCKES,
Attorneys for Petitioner.
THOMAS A. FLYNN,
Attorney for Respondent.

[Endorsements]: No. C-69—Tucson. In the United States District Court, in and for the District of Arizona. Ong Chew Hung, *alias* Ong Gin Lung, Petitioner, vs. Alfred E. Burnett, Respondent. Stipulation. Filed Dec. 17, A. D. 1915, at 11 A. M. George W. Lewis, Clerk. By Effie D. Botts, Deputy Clerk.

*In the United States District Court for the District
of Arizona.*

ONG CHEW HUNG, *alias* ONG GIN LUNG,
Petitioner,

vs.

ALFRED E. BURNETT,
Respondent.

Praeceptum [for Transcript of Record].

To George W. Lewis, Clerk United States District Court for the District of Arizona.

You are hereby requested to include in the transcript of the record in the above-entitled matter the following papers:

1. Petition for writ of habeas corpus;
2. Order for writ of habeas corpus;
3. Writ of habeas corpus;
4. The return to the writ of habeas corpus; (original to be sent up);
5. Petitioner's demurrer to the return;
6. Order overruling petitioner's demurrer refusing to discharge petitioner, etc.;
7. The petition for leave to appeal, etc.;
8. Order granting leave to appeal and fixing bond;
9. Bond on appeal;
10. Citation (original to be sent up);
11. Stipulation;
12. This praecipe.

STRUCKMEYER & JENCKES,
Attorneys for Petitioner.

[Endorsements]: No. C-69—Tucson. In the United States District Court, in and for the District of Arizona. Ong Chew Hung, *alias* Ong Gin Lung, Petitioner, vs. Alfred E. Burnett, Respondent. Praeceptum. Filed Dec. 16, A. D. 1915. George W. Lewis, Clerk. By Effie D. Botts, Deputy Clerk.

[Certificate of Clerk U. S. District Court to
Transcript of Record]

*In the United States District Court for the District
of Arizona.*

No. C-69—Tucson.

ONG CHEW HUNG, *alias* ONG GIN LUNG,
Appellant,

vs.

ALFRED E. BURNETT, Inspector in Charge
United States Immigration Office at Tucson,
Arizona,

Appellee.

United States of America,
District of Arizona,—ss.

I, George W. Lewis, Clerk of the United States District Court for the District of Arizona, do hereby certify that the foregoing pages, number 1 to 20, inclusive, constitute and are a true, complete and correct copy of the record, pleadings and proceedings had in the case of Ong Chew Hung, *alias* Ong Gin Lung, Appellant, vs. Alfred E. Burnett, Inspector in Charge United States Immigration Office at Tucson, Arizona, Appellee, No. C-69—Tucson, as the same is called for in the praecipe, a copy of which is made a part of this transcript, as the same remain on file and of record in said District Court, and I also annex and transmit herewith the original citation in said action.

I further certify that the cost of preparing and certifying to said record amounts to the sum of

\$15, and that the same has been paid in full by the appellant herein.

In testimony whereof, I have hereunto set my hand and affixed the seal of the United States District Court for the District of Arizona, at Tucson, in said District, this 18th day of December, in the year of our Lord one thousand nine hundred and fifteen, and of the Independence of the United States of America, the one hundred and fortieth.

[Seal]

GEORGE W. LEWIS,

Clerk United States District Court, District of Arizona.

By Effie D. Botts,
Deputy Clerk.

[Endorsed]: No. 2715. United States Circuit Court of Appeals for the Ninth Circuit. Ong Chew Hung, also Known as Ong Gin Lung, Appellant, vs. Alfred E. Burnett, Inspector in Charge United States Immigration Office at Tucson, Arizona, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the District of Arizona.

Received December 22, 1915.

F. D. MONCKTON,
Clerk.

Filed December 24, 1915.

FRANK D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.

[Citation on Appeal (Original).]

United States of America,
Ninth Circuit,—ss.

To Alfred E. Burnett, Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit to be holden at San Francisco, on the 24th day of November, 1915, pursuant to an appeal filed in the clerk's office of the District Court of the United States for the District of Arizona, wherein Ong Chew Hung, *alias* Ong Gin Lung, is appellant and Alfred E. Burnett is respondent, to show cause if any there be why the judgment in said appeal mentioned should not be corrected and speedy justice should not be done to the parties on their behalf.

WITNESS the Honorable JOSEPH McKENNA, Justice of the United States Circuit Court of Appeals for the Ninth Circuit, this 26th day of October, in the year of our Lord one thousand nine hundred and fifteen.

WM. H. SAWTELLE,
District Judge.

[Endorsed]: No. C-69-Tucson. In the United States District Court in and for the District of Arizona. Ong Chew Hung, Appellant, vs. Alfred E. Burnett, Respondent. Citation. Service admitted this 26th day of Oct., 1915. Geo. Jones, Asst. U. S. Atty. Filed Oct. 27, A. D. 1915, at 9 A. M. George W. Lewis, Clerk. By Effie D. Botts, Deputy Clerk.

No. 2715. United States Circuit Court of Appeals for the Ninth Circuit. Filed Dec. 24, 1915. F. D. Monckton, Clerk.

Statement of Ong Chew Hung—March 29, 1914.

In the United States Court of Appeals for the Ninth Circuit.

C-69 (Tucson).

ONG CHEW HUNG, also Known as ONG GIN LUNG,

Appellant,

vs.

ALFRED E. BURNETT, Inspector in Charge
United States Immigration Office at Tucson,
Arizona,

Appellee.

**Order Enlarging the Time to [December 24, 1915,
to] File Record and Docket Case.**

It appearing that, by reason of the size of the record in this cause and the time necessary to prepare a transcript thereof, it will be impossible to prepare the same and to file the record with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit on or before November 24th, 1915, that being the return day of citation heretofore issued and served, now therefore, for good cause shown, the undersigned, the Judge who signed said citation, does hereby order that the time to file the record in this case and to docket this case with the clerk of the United States Circuit Court of Appeals

for the Ninth Circuit, and the return day of this citation, be and the same is hereby enlarged and extended until and including the 24th day of December, 1915.

WM. H. SAWTELLE,
United States District Judge, District of Arizona.

[Endorsed]: C-69 (Tucson). Ong Chew Hung, also Known as Ong Gin Lung, Appellant, vs. Alfred E. Burnett, Inspector in Charge United States Immigration Office at Tucson, Arizona, Appellee. Order of Enlargement.

No. 2715. United States Circuit Court of Appeals for the Ninth Circuit. Order Under Rule 16 Enlarging Time to Dec. 24, 1915, to file Record thereof and to Docket Case. Filed Nov. 25, 1915. F. D. Monckton, Clerk. Refiled Dec. 24, 1915. F. D. Monckton, Clerk.

*In the United States District Court for the District
of Arizona.*

No. C-69-TUCSON.

ONG CHEW HUNG, *alias* ONG GIN LUNG,
Petitioner,

vs.

ALFRED E. BURNETT,

Respondent.

**Order [Directing Transmission of Original Return
to Writ of Habeas Corpus, etc., to U. S. Circuit
Court of Appeals].**

It being stipulated by and between Struckmeyer & Jenckes, attorneys for the petitioner, and Thomas

A. Flynn, United States Attorney for the District of Arizona, representing the respondent herein, that the original of the return to the writ of habeas corpus, together with all exhibits attached thereto, may be sent up to the Circuit Court of Appeals for the Ninth Circuit, upon the appeal herein in lieu of a copy thereof, it appearing that such return contains certain exhibits of photographs and documents written in the Chinese language, of which it is impracticable to make copies;

NOW, THEREFORE, it is hereby ordered that the clerk of this court be and he is hereby directed and ordered to mail said original return to the writ of habeas corpus together with all exhibits attached thereto, to the clerk of the Circuit Court of Appeals at San Francisco, California, by registered mail, demanding a return receipt therefor from the United States Postoffice and that said original return to the writ of habeas corpus together with all exhibits attached thereto, shall remain in the custody of the clerk of the said Circuit Court of Appeals, until such time as the Circuit Court of Appeals may have received and considered the same, and that when the same shall have been received and considered by the said Circuit Court of Appeals, shall be returned to the clerk of this court by registered mail as aforesaid.

Dated this 17th day of December, A. D. 1915.

WM. H. SAWTELLE,
Judge.

[Endorsements]: In the United States District Court for the District of Arizona. Ong Chew Hung,

alias Ong Gin Lung, Petitioner, vs. Alfred E. Burnett, Respondent. No. C-69 Tucson. Order. Filed December 17th, 1915. George W. Lewis, Clerk. By Effie D. Botts, Deputy Clerk.

United States of America,
District of Arizona,—ss.

I, George W. Lewis, Clerk of the United States District Court for the District of Arizona, do hereby certify the above and foregoing to be a true, perfect and complete copy of an order made transmitting the original return to the writ of habeas corpus, together with all exhibits attached thereto, to the Circuit Court of Appeals for the Ninth Circuit upon the appeal of Ong Chew Hung, *alias* Ong Gin Lung, Petitioner, vs. Alfred E. Burnett, Respondent, C-69-Tucson, as the same appears from the original on file and of record in the clerk's office at Tucson.

WITNESS my hand and the seal of said court affixed hereto at Tucson, this 18th day of December, A. D. 1915.

[Seal]

GEORGE W. LEWIS,
Clerk.

By Effie D. Botts,
Deputy.

[Endorsed]: In the United States District Court for the District of Arizona. No. C-69 Tucson. Ong Chew Hung, *alias* Ong Gin Lung, Petitioner, vs. Alfred E. Burnett, Respondent. Certified copy of Order Transmitting Original Return to Writ of Habeas Corpus to Clerk Circuit Court of Appeals for Ninth Circuit.

No. 2715. United States Circuit Court of Appeals for the Ninth Circuit. Filed Dec. 24, 1915. F. D. Monckton, Clerk.

In the District Court of the United States for the District of Arizona.

ONG CHEW HUNG, also Known as ONG GIN LUNG,

Complainant,

vs.

ALFRED E. BURNETT, Inspector in Charge United States Immigration Office at Tucson, Arizona,

Return to Writ of Habeas Corpus [Original].

Now comes Alfred E. Burnett, Inspector in Charge Immigration Service at Tucson, Arizona, the respondent in the above-entitled matter, and for his return to the writ of habeas corpus issued, respectfully shows:

I.

That the said Ong Chew Hung, *alias* Ong Gin Lung, was duly arrested on April 23, 1914, pursuant to a warrant of arrest issued by the Acting Secretary of Labor on the 16th day of April, 1914, charging the said Ong Chew Hung, *alias* Ong Gin Lung, with being in the United States in violation of an Act of Congress commonly known as the Immigration Act.

II.

That pursuant to the directions contained in said warrant of arrest, the said Ong Chew Hung, *alias*

Ong Gin Lung, was accorded a hearing, to enable him to show cause why he should not be deported in conformity with law, said hearing being had before me at my office in the city of Tucson, Arizon, on the 23d day of April, 1914, which hearing was continued from day to day, and concluded on May 5, 1914.

III.

That at said hearing, said Ong Chew Hung, *alias* Ong Gin [1*] Lung, was represented by counsel of his own selection, and by his said counsel introduced evidence, and was given a full and fair hearing, and no evidence offered by him was excluded.

IV.

That full and complete transcript of said hearing, and the proceedings and the evidence had thereat, were thereafter transmitted to the Secretary of Labor; and that thereafter, upon due consideration of said evidence and proceedings, the said Secretary of Labor did, on the 28th day of May, 1914, issue his warrant for the deportation of said Ong Chew Hung, *alias* Ong Gin Lung, directing that the said Ong Chew Hung, *alias* Ong Gin Lung, be deported to the country whence he came.

V.

That the said Ong Chew Hung, *alias* Ong Gin Lung, is an alien, citizen of the Chinese Republic, who came to the United States from China.

VI.

That this respondent, at the time of the issuance of said writ of habeas corpus, held the said Ong Chew Hung *alias* Ong Gin Lung, in his custody un-

*Page-number appearing at foot of page of original Return to Writ of Habeas Corpus.

der and by virtue of the said warrant of deportation so issued by the said Secretary of Labor ordering deportation in due course of procedure.

VII.

This respondent annexes to, and makes a part of this return, a true copy of said warrant of deportation and warrant of arrest, and all of the proceedings had in said matter.

WHEREFORE, Respondent prays that this writ of habeas corpus be dismissed, and that said petitioner be remanded to the custody of respondent for deportation, in accordance with [2] the warrant of deportation issued by the said Secretary of Labor.

ALFRED E. BURNETT,

Inspector in Charge,
Respondent.

THOMAS A. FLYNN,

United States Attorney for the District of
Arizona.

By SAMUEL L. PATTIE,
Assistant Attorney for the Respondent.

United States of America,
District of Arizona,—ss.

Alfred E. Burnett, being duly sworn, deposes and says that he is the respondent named in the foregoing proceeding, that he has read the foregoing return, and knows the contents thereof, and that the matters therein stated are true, of his own knowledge.

ALFRED E. BURNETT.

That the said alien is unlawfully within the United States in that he has been found therein in violation of the Chinese Exclusion Laws and is, therefore, subject to deportation under the provisions of section twenty-one of the above-mentioned Act, and may be deported in accordance therewith:

I, W. B. WILSON, Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to ——— the country whence he came, at the expense of the steamship company importing him.

The execution of this warrant will serve to cancel the bond given in behalf of the alien.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 28th day of May, 1914.

HHD.

W. B. WILSON,
Secretary of Labor. [4]

[Letter, May 20, 1914, Inspector Burnett to Supervising Inspector, Transmitting Record of Hearing, etc.]

U. S. DEPARTMENT OF LABOR.

Immigration Service.

Office of Inspector in Charge, Tucson, Ariz.

May 20, 1914.

COURT RECORD.

In answering refer to No. 1503/28.

Supervising Inspector,
Immigration Service,
El Paso, Texas.

Referring to your file No. 5025/559, there is trans-

mitted herewith, in duplicate, record of hearing accorded the alien ONG CHEW HUNG, *alias* ONG GIN LUNG, pursuant to Departmental warrant No. 53780/54, dated the 16th ultimo, the charge being that said alien is unlawfully within the United States, in that he has been found therein in violation of the Chinese Exclusion Laws, and is therefore subject to deportation under the provisions of section 21 of the Immigration Act. The alien's certificate of identity No. 4753 accompanies the record. The San Francisco landing record, an exhibit in the case, should be returned for use in any habeas corpus proceedings which may eventuate.

The record discloses that this alien was admitted as the minor son of a merchant at the port of San Francisco, Cal., August 14, 1903; that following pre-investigation of his status as a merchant of Kim Lun Chong Co., of San Francisco, he departed from San Francisco in January 1910, being admitted upon his return to the same port on s/s *Chiyo Maru* [5] Ong Chew Hung, 1503/28, page 2.

July 27, 1911; that he remained a few months at the store in San Francisco after his return and then proceeded to Salt Lake City, Utah, where he "visited" five or six months and then came to Phoenix, Arizona, arriving in January 1913. Soon after his arrival in Phoenix he became an active partner in the English Kitchen, a restaurant in the city of Phoenix, and was continuously employed thereafter as a laborer in said restaurant until these proceedings were instituted. The alien claims that he still retains a \$1000 interest in the Kim Lun Chong Co.,

at San Francisco, but avers that he has never received any dividends from his investment therein, and that "the company was not doing sufficient business to warrant having so many around in the store, so that was the reason why I left."

It appears further from the record that this alien has never been lawfully domiciled in the United States; note his own statement (later changed after consultation with friends and counsel) that his father never had an interest in any mercantile establishment in the United States but at the time of the alien's first landing in this country his father was the proprietor of a factory engaged in making shirts and overalls in San Francisco under contract for several firms (see page 5 of the record); that his father continued to operate that factory until the San Francisco fire and earthquake and then moved with the alien and other members of the family [6] to Antioch, Cal., at which place his Ong Chew Hung, 1503/28, page 3. father has since conducted a vegetable garden.

The record as a whole fully sustains the charge that the alien entered, and is now in the United States, in violation of the Chinese Exclusion Laws, and is therefore, subject to deportation under section 21 of the Immigration Act, and it is recommended that warrant of deportation issue accordingly.

The hearing in this case was concluded on the 5th instant, and counsel given until the 18th instant to submit brief. Counsel, without satisfactory reasons, asks further continuance of ten days to prepare

brief, but has been advised that the record will be no longer held at Tucson for that purpose.

(Signed) ALFRED E. BURNETT,
Inspector in Charge.

lsp.

Incl. 11995.

[7]

Statement of Ong Chew Hung—April 23, 1914.

WARRANT HEARING.

IMMIGRATION SERVICE, MEXICAN BORDER DISTRICT.

File No. 1503/28.

In the Matter of ONG CHEW HUNG, *alais* ONG GIN LUNG, arrested pursuant to Departmental warrant No. 53780/54, dated April 16, 1914, charged with being in the United States in violation of the Chinese Exclusion laws, and, therefore, subject to deportation under the provisions of Section 21 of the Act Approved February 20, 1907, Amended by the Act Approved March 26, 1910.

Hearing had before Immigration Inspector Alfred E. Burnett in the office of the Inspector in Charge at Tucson, Arizona, on this 23d day of April, 1914. Present: ALFRED E. BURNETT, Examining Inspector.

LEE PARK LIN, Chinese Interpreter.

F. C. STRUCKMEYER, Attorney for the Alien.

LOUIS W. LOWENTHAL, Immigrant Inspector.

ABRAM O. HADDEN, Stenographer.

Warrant presented, read, and explained to the

alien, who is advised of the nature of these proceedings, and that he may be released from custody during the pendency of the case upon furnishing a satisfactory bond in the sum of One Thousand Dollars (\$1,000.00).

Medical examiner certifies good health.

[Record of Hearing Before Inspector Burnett.]

Alien sworn:

My name is Ong Chew Hung, marriage name is Ong Gin Lung; I am twenty-nine years of age; I was born in Hong Bin village, H. P. District, K. T. Province, China; I am a citizen of China; and of the Chinese race; I embarked at Hong Kong, China, and landed at the port of San Francisco, California, ex SS. "Chiyu Maru" July 27, 1911; my destination at that time was San Francisco, California; and my occupation a student; In the United States, I have a father, Ong Hung, at Antioch, California; I have four brothers in the United States; Ong Lim Him, about twenty years old; Ong Seung Fay, about sixteen years old; Ong Lung Fay, about twelve years old; a sister Ong Woy; all of these at Antioch, California; in China, wife Yee Shee; a son, Ong Wing Foo, in my native village, China. [8]

Ong Chew Hung (File 1503/28) sheet 2.

(Examining Inspector Addressing Alien.)

Q. You are advised that you have a right to be represented by counsel at this hearing? Do you wish to avail yourself to this right? A. Yes.

Q. Is Mr. F. C. Struckmeyer, who has been present from the beginning of this examination, your attorney? A. Yes.

(Examining Inspector to Mr. STRUCKMEYER.)

Mr. Struckmeyer, I hand you the record in this case, including the warrant of arrest. (Handing papers to Mr. Struckmeyer.)

(Examining Inspector Addressing Alien.)

Q. You claim to be a native-born citizen of the Chinese Republic, do you? A. Yes.

Q. Did you at Phoenix, Arizona, on March 29, 1914, through this same interpreter, make a statement to me relative to your right to be and remain in the United States? A. Yes.

Q. Did you tell the truth and nothing but the truth in that statement? A. Yes.

Q. The statement referred to will be incorporated and made a part of this hearing.

(The statement is as follows:)

In the Matter of ONG CHEW HUNG as to the
Legality of His Residence in the United
States.

Phoenix, Arizona, March 29, 1914.

ALFRED E. BURNETT, Examining Inspector.

LEE PARK LIN, Chinese Interpreter.

LOUIS W. LOWENTHAL, Stenographer.

Examining officer addressing alien: I am a Chinese Inspector in the service of the United States Government. I desire to take a statement relative to your right to be and remain in the United States. Any statement you may make should be voluntary upon your part, and you are warned that it may be used in any future proceedings. This statement is with particular reference to your last entry into the United States, and the legality of your residence in

this country. Are [9] you willing to make such Ong Chew Hung (File 1503/28) sheet 3. statement?

Answer.—Yes.

(Alien presents certificate of identity No. 4753, issued to Ong Chew Hung, merchant #26, Chiyo Maru, July 27, 1911.)

ALIEN, being first duly sworn, testified as follows:

Q. (By Examining Inspector.) What are all your names?

A. Ong Chew Hung, is my boyhood name, and Ong Gin Lung my marriage name.

Q. Have you ever been known by any other name?

A. Sometimes people call me Ong Chew only.

Q. When were you born?

A. K. S. 11, 10th month, 15th day (November 21st, 1885).

Q. In what village and district were you born?

A. Hong Bin village, H. P. Dist., K. T. Prov., China.

Q. How far is that from the Gow Mee village?

A. Between one and two lis distant.

Q. Your father's name, business, and present address?

A. Ong Hung boyhood name and Ong Gom Lung marriage name; he is now in Antioch, Cal.

Q. What is he doing there?

A. He has a garden there; he leases the land and raises asparagus.

Q. How long has he been in Antioch?

A. He went there shortly after the San Francisco fire.

Q. Been in the vegetable garden business ever since? A. Yes.

Q. When was the last time he was in China?

A. The last time was just before I was born, then he returned to the United States.

Q. Then he hasn't been back to China since you were born? A. No; that is correct.

(Q. Your mother?)

A. Jeang Shee, natural feet, now living with my father in Antioch, Cal.

Q. When did she first come to the United States?

A. I don't know how long ago it was when she came.

Q. How old were you when your mother came to the United States?

A. This mother I have reference to is not my own mother. She is my step-mother. This woman was married to my father in this country.

Q. What is your father's present wife's name?

A. Jeang Shee.

Q. What was your mother's name?

A. Quan Shee.

A. Where is she?

A. Died when I was very young in China.

Q. Was she ever in the United States?

A. No.

Q. Do you remember your own mother? [10]

Ong Chew Hung (File 1503/28) sheet 4.

A. No.

Q. How old were you when your mother died?

A. I don't know.

Q. How many brothers have you?

A. Three brothers.

Q. Are they your full brothers or half-brothers?

A. They are half-brothers.

Q. Have you any brothers born by the same mother as yourself? A. No.

Q. Did you ever have? A. No.

Q. Did you ever have any sisters born to your mother? A. No.

Q. Give the names and present addresses of your half-brothers.

A. They all live in Antioch with my father and step-mother; oldest, Ong Lim Him, about 18 years old, born in San Francisco; I don't know at what address my parents were living when this boy was born; I think they lived at 210 Jackson St., until the time of the Jackson St., fire.

Q. Were you living with your parents when this boy was born? A. I was in China.

Q. Your second half-brother.

A. Ong Seung Fay, 11 or 12 years old. Born in San Francisco; I don't know at what address.

Q. Your other half-brother?

A. Ong Lin Fay, about 11 years old, born in San Francisco; I think he was born on Jackson St.

Q. Have you any half-sisters?

A. Yes, one named Ong Moy; she is about 13 years old. My brother Seung Fay is 15 years old; I made a mistake a minute ago.

Q. Where was your sister Ong Moy born?

A. San Francisco.

Q. Have you any other half-brothers or sisters whom you have not named? A. No.

Q. Did you ever have? A. No.

Q. How many times has your father been married?

A. Twice only; once in China and once in the United States.

Q. What brothers has your father?

A. Has one brother only.

Q. Who is he and where is he now?

A. His name is Ong Jook; he is a partner in the Kin Lun Chong Co., 831 Dupont St., San Francisco.

Q. How long has he been in the United States?

A. I don't know how long. [11]

Ong Chew Hung (File 1503/28) sheet 5.

Q. Did you ever see him in China?

A. No (changes answer); yes I have.

Q. When did you last see him in China?

A. S. T. 3 (1911).

Q. Was he home then on a visit? A. Yes.

Q. What family has he?

A. He has a wife and two sons; wife, Wong Shee, and son Ong Shee, born after I came to the United States; born in the Hong Bin village; I don't remember the date of the second son's birth; I don't know his name.

Q. Was your uncle's wife or boys ever in the United States? A. No.

Q. In what village are they now?

A. Hong Bin village.

Q. When did you first come to the United States and where did you land?

A. I first came in K. S. 29, 7th month 15th day (August 7, 1903) and landed in San Francisco ex SS. "Coptic."

Q. How old were you at that time?

A. 18 years old.

Q. Under what status were you landed?

A. Landed as a merchant's son under the name Ong Chew Hung.

Q. Where was your father living at that time?

A. 210 Jackson St., San Francisco, Cal.

Q. Of whom did his immediate family consist at that time?

A. His second wife, and the half-brothers and sister I have named.

Q. At the time you first arrived in the United States did your father have with him three sons and a daughter or were any of these children born after your arrival?

A. No, they were all born before I came to this country.

Q. What was your father doing at the time you first arrived in the U. S.?

A. He was conducting a factory making shirts and overalls.

Q. Was he interested in the factory?

A. He was the owner.

Q. The sole owner? A. Yes.

Q. Where was that factory located?

A. 210 Jackson St., San Francisco.

Q. What was the name of the factory?

A. Wing Lung.

Q. How many men did he employ at that factory?

A. Between 20 and 30.

Q. What did your father do with the products of his factory?

A. He had a contract to make these shirts for several firms; Murphy-Mosstein Co., and after the shirts [12] were made up he took them to these Ong Chew Hung (File 1503/28) sheet 6.

firms.

Q. These firms furnished the goods and he made up the goods into shirts and overalls; is that the idea?

A. Yes.

Q. How long did your father continue to operate that factory?

A. Until the San Francisco fire.

Q. When did the San Francisco fire occur?

A. April 18th, K. S. 31 or 32.

Q. Did you learn to make shirts and overalls in your father's factory? A. No, I went to school.

Q. Did you ever work in that factory at all?

A. No.

Q. Did you go to live with your father and step-mother at 210 Jackson St., as soon as you arrived?

A. Yes.

Q. How long did you live there at that address?

A. Until the San Francisco fire.

Q. And then where did you go?

A. I went to Antioch.

Q. Did your father and his family accompany you to Antioch? A. Yes.

Q. And has your father and the rest of his family continued to live at Antioch ever since? A. Yes.

Q. When your father went to Antioch from San Francisco did he immediately go into the vegetable gardening business? A. Yes.

Q. Did his family live on the ranch or in town?

A. On the ranch.

Q. How many acres of land did your father first operate in that garden?

A. About 30 acres more or less.

Q. How far is that ranch from Antioch?

A. Three or four miles.

Q. How long did you live on that ranch?

A. Until K. S. 32 when I went to San Francisco (1907).

Q. What was your occupation on the ranch?

A. I was not employed; did not do anything.

Q. How long did you live on that ranch just prior to your departure for China?

A. Before I left the ranch my father gave me some money to go to San Francisco to interest myself in the Kim Lun Chong store; that store had been reopened.

Q. How long had you been on the ranch just before that?

A. Not quiet a year; just a few months.

Q. You say you left the ranch in K. S. 33; what month of the year?

A. 9th month (October, 1907).

Q. On what day did you depart for China? [13] Ong Chew Hung (File 1503/28) sheet 7.

A. S. T. 1, 12th month, 27th day (January 27th, 1910).

Q. How long did you live in San Francisco just prior to your departure?

A. From the 9th month, K. S. 33, until I left for China.

Q. How much money did your father give you to

invest in that store?

A. One thousand dollars.

Q. Did you invest it all in the firm? A. Yes.

Q. Did you buy out some other man's interest?

A. No; I just put that much money in and became a member of the firm.

Q. Who was the manager of the firm at that time?

A. Ong Chee.

Q. Is he still the manager? A. Yes.

Q. Who else were active partners in the firm at that time?

A. Ong Jook, Ong Chee, Ong Guey Hing, Hot Fat, and two more whose names I don't remember.

Q. Were you an active member of the firm?

A. Yes.

Q. In what capacity?

A. Occasionally I was sent into some interior town to make collections for the company, and other times I spent in the store.

Q. What did you do around the store?

A. Anything that was necessary.

Q. Porter and cook and that sort of work?

A. No, there was a cook employed.

Q. Was your uncle a member of the firm at that time? A. Yes.

Q. In what capacity?

A. He was the treasurer.

Q. How long did you stay in China on that trip?

A. About 17 months.

Q. And returned to the port of San Francisco?

A. Yes, in ST. 3, sixth month, first part (latter part of July or first part of August, 1911).

Q. Did you have your status preinvestigated before your departure? A. Yes.

Q. Did you get married while in China on that trip?

A. Yes, I married Lee Shee, 1st month, 21st day K. S. 2 (March 1st, 1910) in the Hong Bin village, China. We have one son Ong Wing Foo, born 9th month, 25th day, S. T. 2 (October 26th, 1910) in the same village.

Q. Did you ever have any other children?

A. No.

Q. Did you wife or son ever come to the United States? A. No.

Q. Where did you go immediately upon your return to the United States in July, 1911?

A. Went back to the Kin Lun Chong store, stayed there about 7 or 8 months, and then went to Salt Lake City. [14]

Ong Chew Hung (File 1503/28) sheet 8.

Q. What did you do during those 7 or 8 months?

A. Not employed but stayed in the store.

Q. To whom did you sell your interest in that firm?

A. I haven't sold my interest; I still retain my interest.

Q. What interest have you in the store?

A. \$1,000.

Q. Did you ever receive any dividends from your investment in the store? A. No.

Q. Did you ever receive any dividends at all?

A. No.

Q. Is the firm prosperous?

A. Just makes enough to pay expenses, that is all.

Q. On what day did you go to Salt Lake City?

A. C. R. 1; I don't remember the date (1912).

Q. How long did you stay in Salt Lake City?

A. Five or six months.

Q. What did you do there?

A. I was just visiting; didn't do anything.

Q. Whom did you visit?

A. The Hop Wah store on State St.; I don't remember the address, but it is opposite the post office.

Q. Where did you go from Salt Lake City?

A. Returned to San Francisco.

Q. How long did you stay in San Francisco?

A. A little over a month, and then I came here.

Q. On what day did you arrive in Phoenix?

A. About the middle of the twelfth month, year before last (Jan. 1913).

Q. What did you do when you arrived here?

A. I became a partner in the English Kitchen and have been ever since.

Q. That is a restaurant on Adams St., in this city?

A. Yes.

Q. What kind of work did you do in the English Kitchen?

A. Manager and taking care of the dining-room.

Q. Waiting on tables, etc.? A. Yes.

Q. What wages do you receive at the English Kitchen? A. Receive no wages.

Q. Share in the profits? A. Yes.

Q. What is your investment in the restaurant?

A. \$300.

Q. What is the total investment in the restaurant?

A. I own one-sixth interest.

Q. What is your monthly income from your investment in that restaurant?

A. I cannot tell just how much; sometimes I make a little and sometimes very little.

Q. Have you any interest in any mercantile establishment anywhere now?

A. I have an interest in the Kim Lun Chong Co.; that is all. [15]

Ong Chew Hung (file 1503/28) sheet 9.

Q. No interest in any mercantile establishment besides that? A. No.

Q. Did your father ever have any interest in a mercantile establishment anywhere?

A. No, except that factory.

Q. Did he ever have an interest in a mercantile establishment? A. No.

Q. Have you any relatives as near as first cousins in Arizona? A. No.

Q. Have you any personal knowledge concerning the birth of Chinese children in the United States?

A. I know of the birth of Ong Chee's son Ong Sit Chun, born in San Francisco; I don't remember when.

Q. Were you in San Francisco when this child was born? A. No.

Q. How do you know he was born there then?

A. He told me he was born in San Francisco; he and I attended school together in San Francisco.

Q. You have reference to the son of Ong Shee, who is manager of the Kim Lun Chong Co.? A. Yes.

Q. How old was that boy when you first saw him?

A. He was between 6 and 7 years old.

Q. Do you know anything concerning the birth of any other Chinese children in the United States?

A. No.

Q. Then you cannot be a witness to the birth of any Chinese child in the United States? A. No.

Q. You say you have an uncle in the Kim Lun Chong store; what is his name? A. Ong Jock.

Q. Is his full name Ong Jock Yop? A. No.

Q. As a matter of fact hasn't your uncle a brother here in Phoenix? A. No.

Q. Isn't Ong Yen Gip in Phoenix a brother of your uncle, Ong Jock? A. No.

Q. Any further statement you desire to make?

A. No.

Q. Have you understood the interpreter?

A. Yes.

Q. Have you been frightened or uneasy or sick during this examination? A. No.

Q. You made this statement freely and willingly?

A. Yes.

I HEREBY CERTIFY that the foregoing is a true transcript of the record of examination in this case.

(Signed) LOUIS W. LOWENTHAL,
Stenographer. [16]

Ong Chew Hung (file 1503/28) sheet 10.

Q. Do you desire to make any changes in the testimony given by you at that time?

A. At that time I stated that my father's business was a factory for manufacturing clothing, but in reality it is not a factory; it was a store where it has clothing and things like that for sale.

Q. Is that the only change you desire to make in your testimony? A. That is all.

Q. It appears from your former statement, which has been incorporated in this hearing, that you have lived in the United States prior to your last landing therein in 1911. Is that true? A. Yes.

Q. And according to your statement, you landed at the port of San Francisco, *ex. SS.* "Coptic" August 7, 1903, as the minor son of a domiciled merchant? Is that true? A. Yes.

Q. In your former statement you said that at the time you landed in the United States in 1903, your father was conducting a factory making shirts and overalls, of which factory he was the sole owner, the same being located at 210 Jackson street, San Francisco. Why do you now desire to change that statement?

A. Well, I was mistaken when I said that.

Q. You were testifying concerning a state of facts which you observed at the age of eighteen years. Were you not able to testify truthfully?

A. Because it has been so long since, I cannot remember everything.

Q. In your statement you particularized, went on to say that your father employed from twenty to thirty men in that factory and that he was making shirts for several firms, among which was Murphy-Mosstein Co., and that your father continued to operate that factory until the San Francisco fire. Do you desire to offer any explanation of this testimony?

A. The two companies which I mentioned—these

were trading with my father's place; my father sold them goods, and he also bought things from these two companies.

Q. Now, it appears from your former testimony that directly after the great earthquake and fire in San Francisco in the year 1906, you went with your father and his family to Antioch, California, where your father and you engaged in a vegetable garden. Is that correct?

A. I didn't work in the garden; my father did. I was attending school.

Q. In your former statement you said you stayed a few months at your father's vegetable garden at Antioch. Is that correct? A. I did.

Q. When you left that vegetable garden, where did you go and what did you do?

A. Went to Antioch. [17]

Ong Chew Hung (file 1503/28) sheet 11.

Q. How long did you stay there?

A. Full five months.

Q. What were you doing there?

A. Attending school.

Q. Then where did you go? A. San Francisco.

Q. What did you do there?

A. Became a partner in the Kim Lun Chong store, 831 Grant Avenue.

Q. On what date did you acquire that interest?

A. About the middle of October, 1907.

Q. How much interest did you acquire, and where did you get the money?

A. One thousand dollars, given to me by my father.

Q. And your father had a vegetable garden then, did he? A. Yes.

Q. And some eighteen months before had been burned out in the San Francisco fire? A. Yes.

Q. Did you become an active or silent partner in the Kim Chun Chong Company?

A. Active partner.

Q. What was your relation to the firm?

A. I did the collecting for the company, and also purchasing goods for the company.

Q. Your uncle was the manager of that firm, wasn't he? A. Yes.

Q. Now, as a matter of fact, were not you merely a porter or salesman around that store kept there by your uncle?

A. No, it is not so; I was interested to the extent of one thousand dollars in the store.

Q. When did you thereafter leave the United States for China? A. January 7, 1910.

Q. Had your status preinvestigated before your departure? A. Yes.

Examining Inspector.—I will introduce the San Francisco, California, record "In re Ong Chew Hung, merchant departing, serial No. 885," and this record will be marked Exhibit "A" and become a part of the record of this hearing. (San Francisco record handed to Attorney Struckmeyer.)

Q. (Addressing alien.) Now, where did you go immediately after your return to the United States in July, 1911.

A. Went to the Kim Lun Chong store, San Francisco.

Q. How long did you stay there?

A. About six or seven months.

Q. What did you do during those six or seven months?

A. Was in the same capacity as I was before going to China.

Q. Then where did you go?

A. To Salt Lake City, Utah.

Q. How long did you stay there? [18]

Ong Chew Hung (file 1503/28) sheet 12.

A. About five or six months.

Q. What did you do there?

A. Was not employed during all that time.

Q. Then where did you go?

A. Returned to San Francisco.

Q. How long did you stay this time?

A. Four or five weeks.

Q. Then where did you go?

A. Went to Phoenix, Arizona.

Q. You have testified that you arrived in Phoenix in January, 1913, and became a partner in the English Kitchen and Restaurant in that city. Is that true?

A. I did not become a partner in the English Kitchen until August of last year.

Q. What did you do from January until August, last year?

A. I was traveling to various places; been to Lordsburg; not doing anything.

Q. Did you work in a restaurant in Lordsburg?

A. No.

Q. Are you still a partner in the English kitchen?

A. Yes.

Q. What kind of work do you do there?

A. I was out in the dining-room and taking care of the patrons of the restaurant; that was all.

Q. Waiting on the tables as a waiter?

A. Yes, occasionally.

Q. To whom did you sell your interest in the Kim Lun Chong store?

A. I still retain my interest in the store.

Q. Is the firm prosperous?

A. Not very, just sufficient to pay expenses.

Q. Did you ever receive any dividends from your investment in the firm? A. No.

Q. Why didn't you continue to be an active member of the firm after you returned from China?

A. Because the company was not doing sufficient business to warrant having so many around in the store; so that was the reason why I left.

Q. Your father still at the garden in Antioch?

A. Yes.

Q. Did you ever see your father before you came to the United States, at the age of eighteen years?

A. No.

Q. Was your mother ever in this country?

A. No, she died in China.

Q. Remember ever having seen her? A. No.

Q. You frankly admit that you are a laborer now in the United States, do you not?

A. Yes, in case the store which I am interested in need my services I would go back to my own store.

Q. Any further statement you desire to make to show cause why [19] you should not be deported

Ong Chew Hung (file 1503/28) sheet 14.

in conformity with law?

Mr. STRUCKMEYER.—I ask the courtesy of the Inspector in Charge, to grant me further time in which to consider the question whether to offer any evidence, and if so the character thereof.

(Examining Inspector to Mr. STRUCKMEYER.)

Hearing is continued until 10:30 A. M. the 24th instant, for the purpose indicated by counsel.

**[Hearing Before Inspector Burnett—Proceedings
Had April 24, 1914.]**

Continued Hearing in the Case of ONG CHEW HUNG, *alias* ONG GIN LUNG, on the 24th day of April, 1914, at 10:50 A. M., at the office of the Inspector in Charge, Tucson, Arizona.

Present: ALFRED E. BURNETT, Examining Inspector.

LEE PART LIN, Chinese Interpreter.

F. C. STRUCKMEYER, Attorney for the Alien.

LOUIS W. LOWENTHAL, Immigrant Inspector.

ABRAM O. HADDEN, Stenographer.

(Examining Inspector.)

Q. Are the alien and his counsel ready to proceed?

Mr. STRUCKMEYER.—Not this morning, and I ask that the further hearing of this case be continued for a reasonable time to afford me the opportunity to introduce evidence, if, in my opinion, such evidence will tend to establish his right to remain in the United States. I am not asking this continuance for delay, but solely in the interest of justice,

and I state frankly to the Inspector that I do not know whether or not we will introduce any evidence; that I ask a reasonable time in which to determine that fact.

Examining Inspector.—The further hearing in this case will be continued to 11:30 A. M. the 29th instant. [20]

Ong Chew Hung (file 1503/28) sheet 15.

On April 29, 1914, at the request of counsel, further hearing in this case was continued until May 5, 1914. The case is reopened at this hour.

[Hearing Before Inspector Burnett—May 5, 1914.]

Continued Hearing in the Case of ONG CHEW HUNG, *alias* ONG GIN LUNG, on the 5th day of May, 1914, at 10:40 A. M. at the Office of the Inspector in Charge, Tucson, Arizona.

Present: ALFRED E. BURNETT, Examining Inspector.

LEE PART LIN, Chinese Interpreter.

F. C. STRUCKMEYER, For the Alien.

J. S. JENCKES, For the Alien.

ABRAM O. HADDEN, Stenographer.

(Examining Inspector Address Alien and Counsel.)

Q. Are you ready to proceed in this case?

Mr. STRUCKMEYER.—Yes, we are.

(Examining Inspector to Mr. STRUCKMEYER.)

Does counsel desire to offer any evidence at this time?

Mr. STRUCKMEYER.—I desire to offer the affidavit of Ong Hong, father of the alien, and of Ong Chee.

Examining Inspector.—The affidavit of Ong Hong,

executed at San Francisco, California, May 2, 1914, is received and marked "Ong Chew Hung's Exhibit A." The affidavit of Ong Chee, executed at San Francisco, California, May 2, 1914, is received and marked "Ong Chew Hung's Exhibit B."

(Examining Inspector to Mr. STRUCKMEYER.)

Is there any further testimony that defense desires to offer at this time?

Mr. STRUCKMEYER.—Nothing further.

[Statement of Ong Chew Hung, May 5, 1914.]

(Examining Inspector Addressing Alien.)

Q. Is there any *further* you desire to make to show cause why you should not be deported in conformity with law? [21]

Ong Chew Hung (file 1503/28) sheet 16.

A. When first I got to Phoenix, I was doing nothing, but intended to go into business, but seeing that the time was not good for to open any business, and I had asked Inspector Partch whether it would be permissible for me to work and he replied in the affirmative.

Q. When did you have that conversation with Inspector Partch?

A. It was either in July or August of last year, just before I went to the restaurant.

Q. Is that all you desire to say?

A. No, I have nothing further to state.

Q. The alien may be at liberty on the bond already filed until he is notified to appear for further hearing, in accordance with its terms.

(Examining Inspector to Mr. STRUCKMEYER.)

Has counsel prepared a brief in this case, or does

counsel desire to submit a brief?

Mr. STRUCKMEYER.—I desire to submit a brief and could do so by the 18th instant.

(Examining Inspector to Mr. STRUCKMEYER.)

The record of this hearing will be held in this office until the date indicated by counsel and for the purpose of enabling him to submit brief.

Finding [of Inspector Burnett, etc.].

From the foregoing evidence, the alien Ong Chew Hung, alias Ong Gin Lung, who landed *ex SS.* "Chiyo Maru" at San Francisco, California, July 27, 1911, is found to be in the United States in violation of the Act approved February 20, 1907, amended March 26, 1910, for the following reasons, to wit: that the said alien entered, and has been found in, the United States in violation of the Chinese exclusion laws, and is, therefore, subject to deportation under the provisions of section 21 of the above-mentioned Act.

IT IS, THEREFORE, RESPECTFULLY RECOMMENDED to the Honorable Secretary of Labor that said alien be deported to China, the country whence he came, in accordance with the provisions of sections 20 and 21 of the Immigration Act.

(Signed) ALFRED E. BURNETT,

Examining Inspector. [22]

Ong Chew Hung (File 1503/28) sheet 17.

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the record of hearing in this case.

ABRAM O. HADDEN,

Stenographer, [23]

Alien's Exhibit "A" and "B."

Furnished by attorney for alien in the original only. This has gone forward with the record to the Department. [24]

[Warrant to Take Alien into Custody and Grant Him a Hearing.]

(COPY.)

**WARRANT—ARREST OF ALIEN.
UNITED STATES OF AMERICA.**

Received.

Apr. 21, 1914.

Immigration Service.

Tucson, Ariz.

U. S. DEPARTMENT OF LABOR.

WASHINGTON.

El Paso No. 5025/559.

No. 53780/54.

To F. W. BERKSHIRE, Supervising Inspector, El Paso, Texas, or to any Immigrant Inspector in the service of the United States.

WHEREAS, from evidence submitted to me, it appears that the alien ONG CHEW HUNG, *alias* ONG GIN LUNG, who landed at the port of San Francisco, Cal., ex SS "Chiyo Maru," on the 27th day of July, 1911, has been found in the United States in violation of the Act of Congress approved February 20, 1907, amended by the Act approved March 26, 1910, for the following among other reasons:

That the said alien is unlawfully within the United States in that he has been found therein in violation

of the Chinese Exclusion Laws, and is therefore subject to deportation under the provisions of Section twenty-one of the above-mentioned Act,

I, J. B. Densmore, Acting Secretary of Labor, by virtue of the power and authority vested in me by the Laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses incident to conveying the alien from Phoenix to Tucson, Arizona, for hearing, as well as the expenses of detention, if necessary, are authorized, payable from the appropriation "Expenses of Regulating Immigration, 1914." Pending disposition of his case the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 16th day of April, 1914.

(Signed) J. B. DENSMORE,
Acting Secretary of Labor. [25]

HHD

Tucson, Arizona, May, 22, 1914.

WARRANT—ARREST OF ALIEN.

ONG CHEW HUNG, *alias* ONG GIN LUNG.

Executed and hearing accorded April 23, 1914, at Tucson, Arizona.

(Signed) ALFRED E. BURNETT.
Immigrant Inspector.

ONG CHEW HUNG.

S. F. FILE CASE OF ONG CHEW HUNG.

Tucson file No. 1503/28.

TO BE RETURNED TO S. F.

4/17/14 [26]

[Exhibits.]

U. S. DEPARTMENT OF LABOR.

BUREAU OF IMMIGRATION.

SUBJECT: EXHIBITS.

NO. 53780

54 [27]

DESCRIPTION



Name Ong Chew Hung
 Age 36 Height 5 11 Weight 110
 Occupation Merchant Ang Seng Guan Co
Shanghai U.S. Merchant Samson Chong Co
Shanghai Mar July 27/11
 Physical marks and peculiarities Scars on left top
neck Scars on right top of neck being cut
 Issued at the port of San Francisco
 this 14 day of August 1911
Samuel W. Backus
 Immigration Officer in Charge

4753

THE UNITED STATES OF AMERICA
CERTIFICATE OF IDENTITY

ORIGINAL

ISSUED IN CONFORMITY WITH A REGULATION OF THE DEPARTMENT OF COMMERCE AND LABOR, ADOPTED MARCH 19, 1909.

This is to certify that the person named and described on the reverse side hereof has been regularly admitted to the United States as of the status indicated, whereof satisfactory proof has been submitted, that he is a bona fide and transferable, and is granted solely for the identification and protection of said person, so long as his status remains unchanged; to insure the attainment of which, the signature of said person is written on the reverse side hereof, and his photograph is attached, with his name written partly across, and the official seal of the United States Immigration officer signing this certificate, impressed partly over said photograph.

Department of Commerce and Labor
IMMIGRATION SERVICE

CERTIFICATE OF IDENTITY

NAME Ong Chew Hung
 No. 4753



[Receipt for Certificate of Identity, etc.]



Application taken by 1 Hoyp
X.M. Date 7/31/11

Aug 6
San Francisco, Cal., AUG 15 1911, 1911

RECEIVED FROM COMMISSIONER OF IMMIGRATION, Port of San Francisco,

Certificate of Identity No. 4753, issued in the

Name Ang Chew Hung Age 26

Height: 5 feet, 4 1/2 inches Occupation Merchant S.F.

Place S.F. Physical marks Large scar

left tip of neck & scar on right tip of
neck behind ear

Admitted as Merchant, Kim Sun Chong Co No. 26 SS Ching Man

(date) July 27, 1911 Date of first arrival in U.S.

U.S. 29-16-15 Mr. Sun you register? (If not, give reasons) Not in U.S.

Have you any other papers showing your right to be and remain in the United States? Cofe Landing paper herewith

Address where identification card should be sent: Kim Sun Chong Co 831 Market St.
S.F.

鄧北亨

Applicant.

Attest:

AUG 15 1911

Yong Kay



[**Identification Record.**]

EXEMPT CLASS landed direct from steamer. San Francisco, No. 26, SS. "Chiyo Maru," July 27, 1911.

Class, Merchant.

What are all your names? Ong Chew Hung; Ong Gin Lung.

How many times have you been married? (Give names of wives, dates of marriage, kind of feet, whether living.) Once; Yee Shee; S. T. 2-1-21; N. F.

How many children have you ever had? One boy no girl.

Give name, sex, age, date of birth, and present location of each:

Name.	Age.	Sex.	Birthdate.	Location.
Ong Wing Foo	2	M.	S. T. 2-9-25	China.

Did you take any money, letters, or anything else from the U. S. to anyone in China on this trip? No.

Are you accompanied by anyone? (If so, whom.) No.

SWORN.

[Chinese Signature.]

ONG CHEW HUNG,

Applicant.

(Signatures)

W. D. HEITMAN,

Inspector.

WHOE TONG,

Interpreter. [30]

[Letter, January 6, 1910, Chinese Inspector to
Inspector in Charge.]

DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.

OFFICE OF THE COMMISSIONER
SAN FRANCISCO, CAL.

Jan. 6, 1910.

Inspector in Charge.

Chinese Division, I. S.

Sir:

In re, Ung Chow Hung, Merchant departing, serial
#885, I have to report.

I have examined the store of Kim Lan Chang &
Co., 831 Dupont St. in which the applicant claims
an interest and find it to be a genuine mercantile es-
tablishment with none of the prohibited features.
The mercantile status of applicant is established by
two credible witnesses other than Chinese. The
statements of the applicant and of the manager of the
store are O. K. I recommend favorable action.

Respectfully,

EDWARD L. LAWRENCE,

Chinese Inspector, [31]

[Statement of Ong Chew Hung—February 18, 1910.]

Jan. 7.

Chinese Division, San Francisco.

#885 ONG CHEW HONG.

Merchant departing.

Insp.—LAWRENCE.

Intp.—DEAN.

Steno.—CEM.

App. sworn.

Q. What are your names?

A. Ong Chew Hong, no other name not married, have no children.

Q. How old are you? A. 24, born in China.

Q. When did you first come to this country?

A. KS-29.

Q. How many times have you returned?

A. Never.

Q. What is your business?

A. Merchant Kim Ljng Chong Co., 831-33 Dupont.

Q. How long have you been a member of this firm?

A. 2 years.

Q. How many partners in your firm? A. 25.

Q. Capital? A. \$16,000.

Q. How much is your interest? A. 1000.

Q. What are your duties? A. Salesman.

Q. What is the manager's name?

A. Ong Chew.

Q. For a year last past have you done any laboring work outside of this store? A. No.

Q. All of your time was devoted to your business was it? A. Yes. Store has no prohibited features.

Q. This is a genuine mercantile establishment and you're a genuine merchant of this city are you?

A. Yes.

2-18-10, Angel Island, Cal.

[Chinese Signature.] [32]

Q. Has this store any prohibited features?

A. No.

Q. This is a genuine mercantile establishment and this man is a genuine merchant of this city is he?

A. Yes.

2-18-10, Angel Island, Cal. [34]

[Statement of H. Sultan—February 17, 1910.]

Chinese Division, San Francisco.

#885 ONG CHEW HUNG.

Merchant Departing.

Insp.—LAWRENCE.

Steno.—CEM.

Wit. sworn.

Q. What is your name? A. H. Sultan.

Q. What is your business?

A. Manufacturer of knit goods, 519 Cal.

Q. Does your business bring you in contact with Chinese? A. Yes.

Q. Do you know this man, showing photo of applicant?

A. Ong Chew Hung, known him 2 or 3 years.

Q. What is his business?

A. Merchant, Kim Lun Chong Co., 831 Dupont.

Q. How many times have you visited this store within the last year? A. 3 or 4 times a week.

Q. What is this man doing when you go there?

A. Salesman.

Q. Do you believe that he is a member of this firm? A. Yes.

Q. Can you state that for a year last past he did no laboring work outside of this store? A. No.

Q. All of his time was devoted in his business was it?
A. Yes.

Q. Has this store any prohibited features?

A. No.

Q. This is a genuine mercantile establishment and this man is a genuine merchant of this city is he?

A. Yes.

2-17-10, Angel Island. [35]

[Affidavit of F. McGrath, January 6, 1910.]

San Francisco, Jan. 6/10.

In re ONG CHEW HUNG, Mer. Dept. Serial No. 885.

Frank McGrath, being duly sworn, deposes and says that he is a drayman, #738 Sacramento St., S. F.

That he recognizes the photo shown as that of applicant, whom he has known two years.

That he is a merchant of Kim Lun Chung & Co., #831 Dupont St., S. F., acting as salesman and a member of the firm.

That this is a genuine mercantile establishment, with none of the prohibited features, and that this man is a genuine merchant of this city and for more than one year last past he has done no laboring work outside of this store.

F. McGRATH.

Subscribed and sworn to before me this 6th day of Jan. 1910.

EDWARD L. LAWRENCE,
Chinese Inspector. [36]

[Affidavit of Wm. A. Beseman and H. Sultan,
December 30, 1909.]

WHEREAS, Ong Chew Hung, a merchant, and a member of the firm of Kim Lun Chong, doing business at No. 831 Dupont Street in the City and County of San Francisco, State of California, is about to make a temporary visit to China,

NOW, THEREFORE, we, the undersigned, upon each being duly sworn depose and say:—

That we are well acquainted with the above-named Ong Chew Hung; that he is a merchant, and a member of the firm of Kim Lun Chong doing business at No. 831 Dupont Street, in the City and County of San Francisco, State of California; that he has been such merchant for over one year next preceding his intended departure, and has done no manual labor in and about said business, excepting such as was absolutely necessary in the conduct thereof.

WM. A. BESEMAN,

28 Geary St.

H. SULTAN,

519 Calif. Str.

Subscribed and sworn to before me this 30th day of Dec. 1909.

CHAS. F. DUISENBERG,

Notary Public, in and for the City and County of San Francisco, State of California. [37]



SAN FRANCISCO
EXAMER

7 1910

INSPECTOR.

[Handwritten signature]

18

In the matter of :
Ong Chew Hung, :
A Merchant. :

State of California,
City and County of San Francisco. - ss.

Ong Chew Hung upon being duly sworn deposes and says:

That he is a merchant, and a member of the firm of Kim Lun Chong, doing business at No. 831 Dupont Street, in the City and County of San Francisco, State of California; that he has been such merchant for over one year next preceding his intended departure; that he has done no manual labor in and about said business, excepting such as was absolutely necessary in the conduct thereof; that he is about to make a temporary visit to China, and makes this affidavit in order to facilitate his landing upon his arrival at the Port of San Francisco.

Ong Chew Hung

Subscribed and sworn to before me
20th
... day of ... 1909.



[Handwritten signature]
Notary Public,
(for the City and County of San Francisco, State of California.)



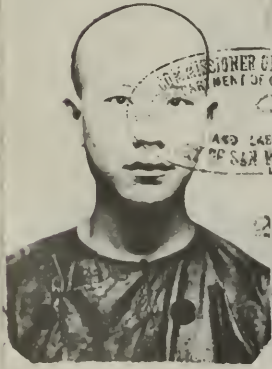
1 State of California)
2 City and County of San Francisco) ss.

3 Ong Hung, being duly sworn, says; that he is a merch-
4 ant residing and doing business in said City and County of San-
5 Francisco, at No. 210 Jackson Street, under the firm name of
6 Wing & Co.; that the photograph hereto attached is the photogra-
7 ph of his son, Ong Show; that Ong Show was born at Hong Ben
8 village, Hoy Ping District, Quong Tong Province, China, on the
9 15'th day of the 10'th month of the 11'th year of the reign of
10 Quong Suey (November 21'st, 1885); that Ong Show is about to
11 come to the United States to join his father, this affiant, at
12 San Francisco and this affidavit is made to facilitate his
13 landing upon his arrival at San Francisco.

13 Ong Hung

14 Subscribed and sworn to before me this
15 5th day of November 1914
16 Thomas S. Durney
17 Notary Public

18 In and for the City and County of San Francisco
19 State of California



19 DEPARTMENT OF COMMERCE
20 RECEIVED
21 AUG 24 1903
22 SAN FRANCISCO

23 Landed - Aug 14 = 1903
24 S. S. "Copin" Aug. 6 = 03
25 San Francisco, Cal.

26 K. [Signature]

27 W. H. North

28 COMMISSIONER OF IMMIGRATION,
CITY OF SAN FRANCISCO,

1 State of California)
2 City and County of San Francisco) ss.

3 We, the undersigned, residents of the City and County
4 of San Francisco, State of California, being duly sworn, each
5 for himself, says; that I know Ong Hung, whose photograph is here
6 to attached and have known him for several years last past; that
7 Ong Hung is a merchant, residing and doing business in said City
8 and County of San Francisco, at No. 210 Jackson Street under the
9 firm name of Wing & Co.; that for more than one year last past
10 Ong Hung has not performed any manual labor other than such as
11 was necessary in the conduct of his business as such merchant.

11 Name. Residence.

12 Matthew Unger 782 O'Farrell St

13 W. H. Kumpf 1305 Bryant

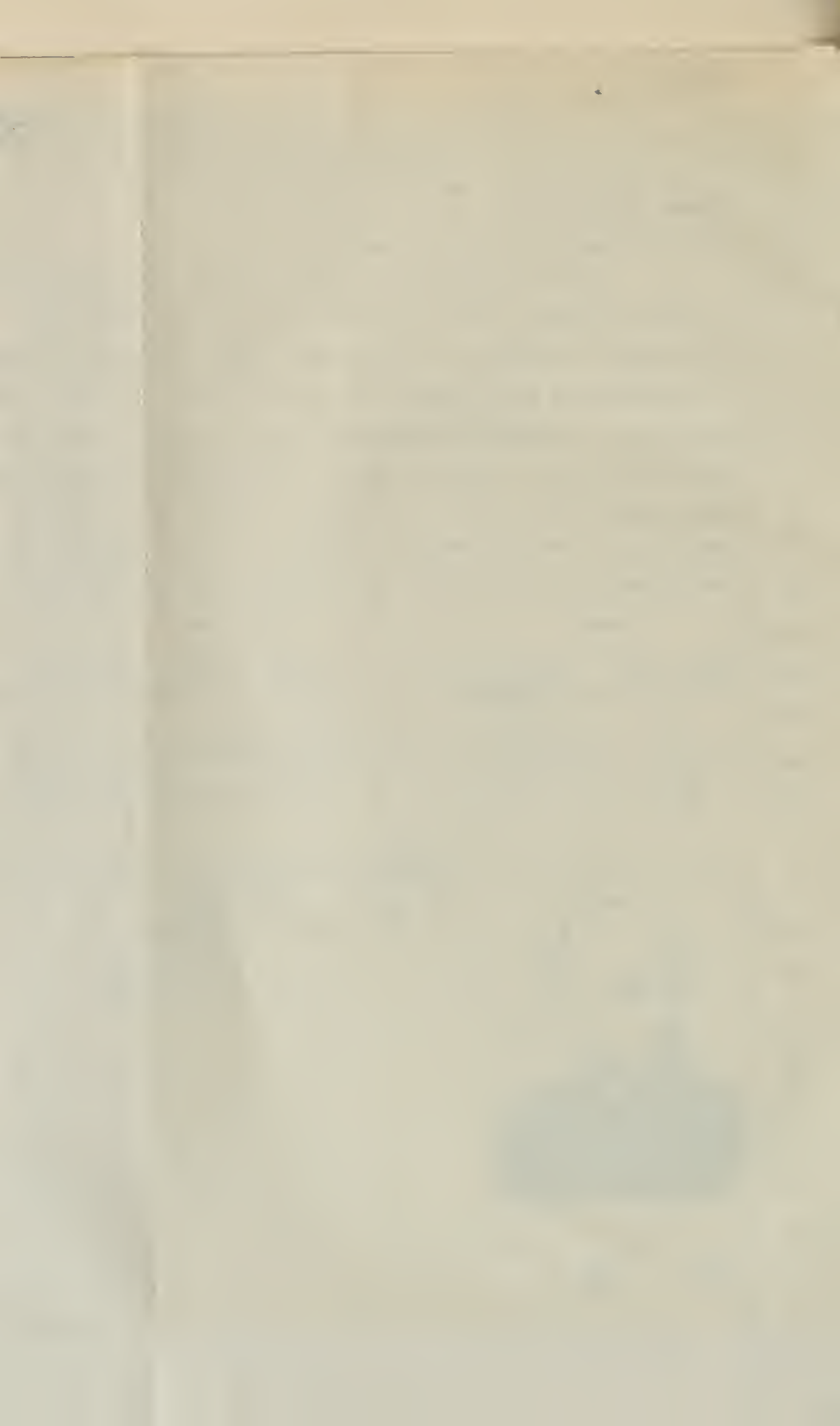
14 J. M. Gardner 215 Sansome St

17 Subscribed and sworn to before me this
18 5th day of November 1902
19 J. M. S. Barnes

Notary Public

16 Is and for the City and County of San Francisco
State of California





[Endorsed]: In the Matter of Ong Chew Hung,
a Merchant. Merchant's Certificate.
Merchant Departing.

Serial No. 885.

Name—Ong Chew Hung.

Residence—S. F.

Firm—Kim Lun Chong Co.

Filed—Jan. 3, 1910.

Received from—G. Straus.

PORT OF SAN FRANCISCO, CAL.

Jan. 6, 1910.

The application of the within-named Chinese has
been investigated and his mercantile status for one
year prior to the above date has been established.

CHARLES MEHAN,

Inspector in Charge.

Approved:

T. M. CRAWFORD,

Acting Commissioner of Immigration.

[Endorsed]: 16. "Coptic," Aug. 6, 1903. Dupli-
cate. In re Ong Show a Merchant's Son. Affida-
vits in His Behalf. [41]

[List of Cases Used in Connection With Case.]

No. _____.

(NAME) (STEAMER) (DATE)

CASES USED IN CONNECTION WITH
ABOVE CASE.

No.	Name.	Steamer.	Date.	Relationship.
.....
.....
.....

[42]

[Endorsed]:

LANDING JACKET.

DEPARTMENT OF COMMERCE AND LABOR.

IMMIGRATION SERVICE.

Ticket—26, Cor. No. _____.

Name—Ong Chew Hung.

Class—Merchant.

Place—San Francisco.

Ex. S. S. "Chiyo Maru, Jul. 27, 1911.

I respectfully recommend admission.

_____,
Inspector in Charge.

Inspector in Charge Chinese Division.

Land within-named Chinese passenger on identification.

CHARLES MEHAN,

Acting Commissioner of Immigration.

Chinese Inspector—_____.

Comply with above order.

_____,
Inspector in Charge.

I have this day landed the within-named Chinese, as per above order.

W. H. WEBBER,
Chinese Inspector.

(Date) Jul. 27, 1911.

Cert. identity 4753, Aug. 10, 1911. [43]

[Endorsed]: C-69 (Tucson). In the United States District Court, District of Arizona. In the Matter of the Application of Ong Chew Hung, also Known as Ong Gin Lung, for Writ of Habeas Corpus. Return to Writ of Habeas Corpus. Filed June 25, A. D. 1914, at — M. George W. Lewis, Clerk. By Effie D. Botts, Deputy Clerk.

No. 2715. United States Circuit Court of Appeals for the Ninth Circuit. Filed Dec. 24, 1915. F. D. Monckton, Clerk. [45]

[List of Cases Used in Connection With Case.]

No. _____.

(NAME) (STEAMER) (DATE)

CASES USED IN CONNECTION WITH
ABOVE CASE.

No. Name. Steamer. Date. Relationship.

.....

[42]

[Endorsed]:

LANDING JACKET.

DEPARTMENT OF COMMERCE AND LABOR.

IMMIGRATION SERVICE.

Ticket—26, Cor. No. _____.

Name—Ong Chew Hung.

Class—Merchant.

Place—San Francisco.

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CHARLES MEHAN,

Acting Commissioner of Immigration.

Chinese Inspector—_____.

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